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May 16, 2022

VIA ECF

Honorable Arlene Rosario Lindsay
United States Magistrate Judge
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: *Robert Goldblatt v. New York Institute of Technology,*
2:18-cv-00265 (DRH)(ARL)

Dear Judge Lindsay:

This firm represents defendant New York Institute of Technology (“NYIT”) in this action. I write on behalf of counsel for the parties to respectfully request an extension of the parties’ deadlines to complete fact and expert discovery. Plaintiff’s deposition was held on April 21 and 29, 2022. The deposition of a NYIT employee was scheduled for May 11, 2022. Unfortunately, Plaintiff’s counsel fell ill and the deposition was adjourned. We are waiting to confirm the witness’s availability on June 8, 2022 for a rescheduled deposition. In order to provide counsel with time to complete this deposition and any post-deposition document discovery, we respectfully request an extension of the fact discovery deadline from May 16, 2022 until July 15, 2022.

In addition, NYIT intends to retain an expert concerning Plaintiff’s allegations of emotional distress. NYIT was unable to make this assessment at an earlier time as it did not receive Plaintiff’s medical records until early April 2022 and did not complete Plaintiff’s deposition until late April 2022. NYIT respectfully requests until September 16, 2022 for the parties to complete expert discovery.

Should Your Honor grant the parties’ request for an extension of the discovery deadlines in this case, counsel for the parties respectfully request that the June 2, 2022 deadline to take the first step in any dispositive motion practice be adjourned to September 30, 2022.¹ Counsel for the parties also respectfully request that the final conference before Your Honor on June 14, 2022 be adjourned until a date that is convenient to Your Honor after the end date of fact and expert discovery.

¹ Should Your Honor wish for the parties to commence dispositive motion practice while completing expert discovery, NYIT respectfully requests until August 5, 2022 to take the first step in dispositive motion practice.

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Thank you for Your Honor's consideration of the parties' request.

Respectfully Submitted,
CLIFTON BUDD & DeMARIA, LLP
Counsel for NYIT

By: 
Douglas Catalano
Stefanie Toren

cc: Gregory A. Tsonis, Esq.